

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 A-01 MMO-01 SY-05 CPR-03 SS-15
SSO-00 NSCE-00 CIAE-00 INR-10 NSAE-00 INRE-00 H-01
L-03 PER-01 IO-13 PA-01 SP-02 /069 W
-----015263 211840Z /41
O 211825Z JUL 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 4636
INFO AMCONSUL LENINGRAD

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E.O. 11652: N/A
TAGS: PDIP, UR, US
SUBJECT: POLITICAL COUNSELOR DISCUSSES SMITH
INCIDENT WITH MFA

REF: (A) MOSCOW 16993, (B) STATE 184444

1. AT 1630, APPROXIMATELY 24 HOURS AFTER POL
COUNSELOR BROWN HAD REQUESTED TO BE URGENTLY
RECEIVED BY AN MFA OFFICIAL, BROWN WAS RECEIVED
BY USA DIVISION ISAKOV. BEFORE BROWN HAD A
CHANCE TO RAISE WITH ISAKOV THE EMBASSY'S NOTE
ON THE SMITH INCIDENT (REF A), ISAKOV HANDED
BROWN A NOTE OUTLINING THE SOVIET VERSION OF
THE INCIDENT. INFORMAL TRANSLATION FOLLOWS:

2. BEGIN TEXT: THE MINISTRY OF FOREIGN AFFAIRS
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
DECLARES TO THE EMBASSY OF THE UNITED STATES OF
AMERICA THE FOLLOWING.

ON JULY 20 A MEMBER OF THE SOVIET MILITIA GUARDING
THE EMBASSY OF THE U.S. ASKED A PERSON GOING
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INTO THE EMBASSY TO IDENTIFY HIMSELF. HOWEVER,
THE LATTER IGNORED THIS LAWFUL REQUEST AND TRIED
TO GET INTO THE EMBASSY. SUCH CONDUCT BY THE
UNKNOWN PERSON, OF COURSE, COULD NOT BUT RAISE
SUSPICION WITH REGARDS TO HIS INTENTIONS ON THE
PART OF THE MILITIA MAN, WHO STOPPED HIM AND
ASKED HIM TO SHOW HIS DOCUMENTS. THEN THE UNKNOWN

INDIVIDUAL WITHOUT ANY PROVOCATION ON THE PART OF THE REPRESENTATIVE OF THE MILITIA ATTACKED HIM, TRIED TO DRAG (HIM) ONTO THE TERRITORY OF THE EMBASSY AND GAVE HIM SEVERAL HARD BLOWS IN THE FACE, CAUSING HIM SERIOUS BODILY HARM. LATER THERE CAME OUT OF THE EMBASSY AN EMPLOYEE FROM WHERE WORDS IT BECAME EVIDENT THAT THE PERSON WHO HAD ATTACKED THE MILITIAMAN WAS SECOND SECRETARY R. SMITH.

THE MFA REGISTERS A RESOLUTE PROTEST ON THE MATTER OF SUCH OUTRAGEOUS CONDUCT ON THE PART OF AN AMERICAN DIPLOMAT, INCONSISTENT NOT ONLY WITH HIS OFFICIAL STATUS, BUT ALSO WITH ELEMENTARY NORMAL CONDUCT ACCEPTED IN CIVILIZED SOCIETY. THE MINISTRY ALSO AWAITS AN OFFICIAL APOLOGY IN CONNECTION WITH THE INCIDENT AND THE ADOPTION BY THE EMBASSY OF THE NECESSARY MEASURES SO THAT ITS EMPLOYEES OBSERVE GENERALLY OBSERVED NORMS OF CONDUCT. THE MINISTRY RESERVES ITS RIGHT TO RETURN TO THIS QUESTION AT A LATER DATE. MOSCOW, JULY 21, 1978. (END TEXT)

3. BROWN REPLIED THAT 24 HOURS HAD ELAPSED FROM THE TIME HE HAD CALLED USA DIVISION DEPUTY DIRECTOR ISAKOV TO REQUEST AN IMMEDIATE APPOINT-LIMITED OFFICIAL USE

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MENT ON AN URGENT MATTER - NAMELY THE VERY SERIOUS INCIDENT WHICH TOOK PLACE ON THE TERRITORY OF THE U.S. EMBASSY AND THAT HE HOPED THAT IN FUTURE DELAYS OF THIS SORT COULD BE AVOIDED. BROWN OBSERVED THAT THE SOVIET SIDE HAD THE EMBASSY'S PROTEST OF JULY 20 AND REFERRED TO THE NOTE WHICH ASSISTANT SECRETARY VEST HANDED TO SOVIET CHARGE VASEV ON THURSDAY. BROWN ACKNOWLEDGED RECEIPT OF THE SOVIET NOTE, CHARACTERIZING IT AS DIRECTLY CONTRARY TO THE EMBASSY'S NOTE, ADDING THAT HE WOULD PASS IT TO THE DEPARTMENT IMMEDIATELY. BROWN THEN EMPHASIZED THE SERIOUS NATURE OF THE INCIDENT AND REITERATED THAT THE U.S. SIDE ADHERED TO THE EMBASSY'S ASSERTION THAT SMITH WAS PURSUED ONTO THE U.S. EMBASSY GROUNDS, FIRST BY A MILITIAMAN, THEN BY A PERSON IN CIVILIAN DRESS, PRESUMABLY WORKING WITH THE SAME SERVICE AS THE MILITIAMAN, AND THAT SMITH WAS ASSAULTED BY THESE INDIVIDUALS WHO ALSO TORE HIS COAT. (BROWN ADDED THAT WE WOULD RETURN WITH A DEMAND FOR COMPENSATION AFTER MAKING AN ASSESSMENT OF DAMAGES.) BROWN SAID SMITH

WAS PREVENTED FROM CONTINUING FURTHER INTO THE EMBASSY, WAS PHYSICALLY EXPELLED AND SERIOUSLY MANHANDLED IN VIOLATION OF THE VIENNA CONVENTION PROVISIONS AND GENERAL NORMS OF DIPLOMATIC PRACTICE REGARDING THE EXTRA-TERRITORIALITY OF

EMBASSIES AND THE IMMUNITIES OF OFFICERS. BROWN CONCLUDED BY SAYING THAT FOR HIS CONVERSATION WITH SMITH HE CONSIDERED SMITH'S VERSION OF THE INCIDENT ACCURATE.

4. ISAKOV REJECTED THIS VERSION AND LAUNCHED

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INTO A HEATED ATTACK OF WHAT HE CALLED THE INTERNAL INCONSISTENCIES IN THE EMBASSY'S NOTE. THE FACT IS, HE SAID, THAT AS IS CLEAR FROM EVEN THE EMBASSY'S NOTE, THE MILITIAMAN WAS CONCERNED ABOUT THE SECURITY OF THE EMBASSY AND ASKED SMITH TO IDENTIFY HIMSELF AND THAT SMITH DID NOT DO SO. INSTEAD SMITH PUNCHED AND KICKED THE MILITIAMAN. ISAKOV COULD NOT IMAGINE A SOVIET DIPLOMAT PHYSICALLY ATTACKING A WASHINGTON POLICEMAN. A MEDICAL COMMISSION HAS EXAMINED THE MILITIAMAN AND FROM THIS AS WELL AS OTHER EVIDENCE IT FOLLOWS THAT SMITH'S BEHAVIOR MUST BE CHARACTERIZED AS "PATHOLOGICAL". ISAKOV ADDED THAT, UNOFFICIALLY HE COULD SAY THAT IN THE PRESENT ATMOSPHERE OF BAD RELATIONS BETWEEN OUR TWO COUNTRIES - WHAT WITH THREATENING CALLS IN THE U.S. AND THE INTURIST BLAST - SOVIET CITIZENS ARE BECOMING ANGRY TO THE POINT THAT SOME

MAY ATTEMPT TO COMMIT SIMILAR ACTIONS AND THE
MILITIA GUARDING THE EMBASSY HAVE TO BE PARTIC-
ULARLY VIGILANT. HE SIMPLY COULD NOT UNDERSTAND
SMITH'S BEHAVIOR AND AS STATED IN THE SOVIET
NOTE THE SOVIET SIDE RESERVED THE RIGHT TO
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RETURN TO THE INCIDENT AT A LATER DATE.

5. BROWN REPLIED THAT ON THE BASIS OF THE
INFORMATION THE EMBASSY HAS, WE CATEGORICALLY
REJECTED THE SOVIET VERSION. HE COULD NOT
CONCEIVE OF A U.S. EXECUTIVE SERVICE POLICEMAN
COMING ONTO THE GROUNDS OF THE SOVIET EMBASSY AND
ATTACKING A SOVIET DIPLOMAT. SMITH HAS BEEN IN
MOSCOW TWO YEARS AND HAS ENTERED THE EMBASSY ABOUT
1,000 TIMES AND BROWN FOUND IT INCOMPREHENSIBLE
THAT THE MILITIAMAN COULD NOT HAVE RECOGNIZED HIM
OR HAVE BEEN INSTRUCTED IN SUCH A MANNER AS TO
PREVENT THIS INCIDENT.

6. COMMENT: POSTURE OF SOVIET SIDE IN THIS MATTER
WOULD APPEAR TO BE REFLECTIVE OF CURRENT STATE
OF U.S.-SOVIET RELATIONS. BROWN/ISAKOV EXCHANGE
WAS HEATED AND BOTH SIDES WERE UNYIELDING.
REPEATED REFERENCES BY ISAKOV TO AWAITED RESULTS
OF MEDICAL COMMISSION EXAMINATION AND RIGHT OF
SOVIET SIDE TO RETURN TO INCIDENT ARE TAKEN BY
US AS AN IMPLIED THREAT THAT SMITH MAY BE
PNGED. END COMMENT.

7. EMBASSY RECOMMENDATION FOR FURTHER STEPS
WILL FOLLOW TOMORROW. TOON

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